

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Joan B. Futterman, Acting Board Member
Board of Review

Subject: Minutes of the April 23, 2014
Board of Review Meeting

Date: April 25, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, April 23, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, April 30, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Acting Board Member
Absent: Mr. Sieber, Chairman

2. Following a motion by Mr. Yarbrough and seconded by Ms. Futterman, the minutes of the April 16, 2014 meeting were approved.

3. New Business

(a) 223,826

Ms. Matos presented this case as to whether the claimant collected benefits fraudulently while working. The Appeal Tribunal found that the claimant willfully misrepresented his employment status to claim benefits and held him disqualified for benefits for one year, subject to a fine, and refund of the benefits paid, under N.J.S.A. 43:21-5(g)(1) and N.J.S.A. 43:21-16. After consideration, the Board voted to remand the matter to the Appeal Tribunal for additional testimony regarding whether the claimant reported his earnings to the division and the benefits paid. Ms. Matos will prepare the remand.

(b) 00002931

This matter, presented by Ms. Jackson, is regarding whether the claimant's working conditions were such as to give her good cause to leave her employment. The Appeal Tribunal held that the claimant voluntarily left her employment without good cause attributable to the work, under N.J.S.A. 43:21-5(a). The Board, after discussion, voted to reverse the decision of the Appeal Tribunal, and hold that the claimant had good cause to voluntarily leave the employment. Ms. Jackson will prepare the decision.

(c) 438,847

This case was regarding whether the claimant's failure to work as scheduled constituted misconduct connected to the work. Ms. Hart presented the matter. The Appeal Tribunal held the claimant was not discharged for misconduct connected to the work, under N.J.S.A. 43:21-5(b). After consideration, the Board voted to remand the matter to the Appeal Tribunal for the Appeal Tribunal to consider the documents submitted prior to the decision and the issue of voluntary leaving. Ms. Hart will prepare the remand.

There being no further business to transact, a motion was made by Mr. Yarbrough to adjourn the meeting. Ms. Futterman seconded the motion.

SUBMITTED FOR APPROVAL:

Joan B. Futterman
Acting Board Member

JBf:ldv